

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

ROW VAUGHN WELLS, INDIVIDUALLY )  
AND AS ADMINISTRATRIX OF THE )  
ESTATE OF TYRE DEANDRE NICHOLS, )  
DECEASED, )

Plaintiffs, )

v. )

CASE NO. 2:23-CV-02224  
JURY DEMAND

THE CITY OF MEMPHIS, A )  
MUNICIPALITY; CHIEF CERELYN DAVIS, )  
IN HER OFFICIAL CAPACITY; EMMITT )  
MARTIN III, IN HIS INDIVIDUAL )  
CAPACITY; DEMETRIUS HALEY, IN HIS )  
INDIVIDUAL CAPACITY; JUSTIN SMITH, )  
IN HIS INDIVIDUAL CAPACITY; )  
DESMOND MILL, JR. IN HIS INDIVIDUAL )  
CAPACITY; TADARRIUS BEAN, IN HIS )  
INDIVIDUAL CAPACITY; PRESTON )  
HEMPHILL, IN HIS INDIVIDUAL )  
CAPACITY; ROBERT LONG, IN HIS )  
INDIVIDUAL CAPACITY; JAMICHAEL )  
SANDRIDGE, IN HIS INDIVIDUAL )  
CAPACITY; MICHELLE WHITAKER, IN )  
HER INDIVIDUAL CAPACITY; DEWAYNE )  
SMITH, IN HIS INDIVIDUAL CAPACITY )  
AND AS AGENT OF THE CITY OF )  
MEMPHIS, )

Defendants. )

**CITY DEFENDANTS' UNOPPOSED MOTION FOR LEAVE  
TO FILE REPLY BRIEF IN EXCESS OF LIMIT SET BY LOCAL RULE 12.1(c)**

Defendants, the City of Memphis (“the City”), Chief Cerelyn Davis in her Official Capacity (“Chief Davis”) and Dewayne Smith as Agent of the City of Memphis (“Lt. Smith”) (collectively, “the City Defendants”), by and through counsel, hereby request leave to file the City Defendants’

Reply in Support of their Motion to Dismiss Plaintiff's Complaint (ECF No. 81) in excess of the page limit set by Local Rule 12.1(c). Plaintiff, through counsel, has indicated that she does not oppose the relief requested by this Motion. In support, the City Defendants state as follows:

1. Plaintiff's Complaint was filed on April 19, 2023. (ECF No. 1.)
2. The City Defendants filed a Motion to Dismiss pursuant to Rule 12(b)(6) on July 7, 2023. (ECF No. 81.)
3. On August 8, 2023, Plaintiff sought leave from the Court to file a response in opposition to the Motion to Dismiss in excess of the limit outlined in the Local Rules. (ECF No. 91.)
4. On August 10, 2023, the Court granted Plaintiff's motion for leave, permitting Plaintiff thirty (30) pages in which to respond to the Motion to Dismiss. (ECF No. 92.)
5. Local Rule 12.1(c) provides that reply memoranda in support of motions to dismiss shall not exceed 10 pages without prior Court approval.
6. The City Defendants seek leave to file a 20-page reply brief in support of their Motion to Dismiss.
7. Good cause exists to support this Motion. The nature of this case, including the complex arguments from each party and the relevant case law, support the need for additional pages so that the City Defendants may adequately address each argument in Plaintiff's response.
8. Plaintiff and the City Defendants consulted through counsel regarding the relief being sought, and Plaintiff does not oppose this Motion.

The City Defendants seek permission to file a reply brief in support of their Motion to Dismiss in excess of the page limits provided by Local Rule 12.1(c), and that they be afforded twenty (20) pages in which to respond.

Respectfully submitted,

**BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, P.C.**

*s/ Bruce McMullen*

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*Attorneys for Defendant City of Memphis,  
Chief Cerelyn Davis in her Official Capacity*

**CERTIFICATE OF CONSULTATION**

I, Bruce McMullen, hereby certify that counsel for City Defendants, Jennie Silk, contacted Plaintiff's counsel, Bryce Hensley, via email on August 23, 2023, regarding the relief sought in this Motion. Mr. Hensley responded that Plaintiff does not oppose this Motion.

s/ Bruce McMullen  
Bruce McMullen

**CERTIFICATE OF SERVICE**

I, Bruce McMullen, hereby certify that on August 23, 2023, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, and that upon filing, such system will serve a copy of the foregoing upon all counsel of record in this action.

s/ Bruce McMullen  
Bruce McMullen